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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/742,625
Filing Date: December 20, 2000
Appellant(s): CHEN ET AL.

H. Sanders Gwin, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 15, 2008 appealing from the Office action mailed July 15, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

DE2224732A	SCHEDLITZKI	12-1973
3,529,993	CUMMINGS	9-1970
6,075,079	HELMER ET AL	6-2000
4,789,604	VAN DER HOEVEN	12-1988

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Examiner Note

1. The WO 9622338 reference cited in the Office Action is not provided here because instead of WO 9622338 the Examiner relied on US 6,075,079 of the same patent family as WO 9622338 for convenience.

2. The phrase “formaldehyde-free” primer coating composition was broadly interpreted by the Examiner according to conventional meaning as a primer coating composition having no unreacted formaldehyde. It is well settled that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 37-39, 50-52, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schedlitzki (DE 2224732) in view of Cummings (US 3,529,993), further in view of Helmer et al (WO 9622338).

Schedlitzki discloses a method for finishing the surface of chipboard, fibreboard, plywood producing comprising impregnating a *paper* carrier sheet (See page 2, paragraph 4 and page 8, line 1) with aqueous quick-hardening aminoplastics resins (claimed primer), drying for 1 minutes at 130⁰C (See translation, page 7, line 5), coating on one or both sides with a mixture of an aqueous fast-curing amino-plastics resin and a dispersion of a self-cross-linking acrylic resin (claimed thermosetting polymers), then pressing the coated paper onto *boards of wooden material* to produce glossy patch-free surfaces on removal from the mould hot (See Abstract).

As to claimed compressible mat, note that paper carrier sheet reads on claimed *compressible mat* because it is well known in the art that paper is made of cellulosic (wood)

fibers in a resin binder composition and it is *compressible*. Note also that claim 38 recites that the compressible mat *further comprises a sheet of paper*.

Schedlitzki teaches that attempt was made to increase the hardening rate of the quick-hardening primer by the excessive addition of hardeners, but it resulted in short shelf life (See page 6, paragraph 2). Schedlitzki fails to teach claimed primer that forms a chemically crosslinked polymer matrix when or as being applied, so that the aqueous resin mixture is applied to the crosslinked primer (Claim 37).

Cummings teaches that amino resins curing fast at room temperature may be used for factory applied *wood priming* (See column 2, lines 14-20) or in *traffic* paints where virtually no waiting period is necessary for the paint to dry before traffic can pass (See column 2, lines 36) instead of heat curing or slow curing prior art compositions including prior art wood primers (See column 1, lines 56-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used amino resins curing fast at room temperature in Schedlitzki instead of heat curing aminoplastics resins in order to achieve faster curing without any extra heating steps since Cummings teaches that his amino resins cure faster at room temperature than known wood primers.

Schedlitzki in view of Cummings fails to teach that a primer composition comprises 95-99 wt % of claimed polymer (Claim 37).

Helmer et al teach a fast hardening aqueous (amino resin) coating composition that is substantially identical to that of claimed invention (See Abstract) can be utilized in applications where it is desirable to form a hard, smear-resistant, non-tracking surface very quickly after

deposit of the coating under ambient conditions, *in particular*, as fast hardening aqueous traffic marking paint, which forms a hard, smear-resistant surface very soon after application under ambient conditions to a surface, such as a road way, and which allows the resumption of normal traffic with minimal interruption (See column 1, lines 11-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fast hardening aqueous coating composition of Helmer et al as amino resin in Schedlitzki in view of Cummings with the expectation of providing the desired fast cured hard, smear-resistant layer since Helmer et al teach that their fast hardening aqueous coating composition is suitable in applications where it is desirable to form a hard, smear-resistant, non-tracking surface very quickly after deposit of the coating under ambient conditions, *in particular*, as fast hardening aqueous traffic marking paint.

It is held that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). See MPEP 2144.07.

As to claimed step of compressing and heating to form polymer coated composite substrate, the step of hot pressing the crosslinked primer, the top coat, the paper sheet (claimed *compressible mat*) onto boards of wooden material of cited prior art reads on claimed step of compressing and heating the crosslinked primer, the top coat and the compressible mat to form coated composite substrate because claim 37 does not recite negative limitation that the compressible mat should not presses together with wooden boards or the formed polymer coated composite substrate should not comprise wooden boards.

Moreover, the boards of wooden material of Schedlitzki may be interpreted as claimed compressible mat and step of applying a paper carrier sheet impregnated with a primer may be interpreted as claimed step of applying a primer to the surface of the compressible mat (i.e. onto surface of the wooden board) since claim 37 does not recite negative limitation that the primer should not be carried with paper carrier sheet or that the paper carrier sheet should not be present in the primer.

As to claim 38, Schedlitzki teaches that double impregnated *paper* sheet (See Translation, page 2, P4) is pressed onto wood plates under pressure and heat (See Translation, page 3, P1). It is well settled that choice of sequence of adding ingredients does not involve invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned paper impregnated with a primer in the cited prior art onto wood plates, then applied a top coat followed by hot pressing with the expectation of providing the desired glossy patch-free surface since it is held that choice of sequence of adding ingredients does not involve invention.

As to claim 50, the limitations of dependent claim 50 are described in the specification as being not subject matter of claimed invention (See specification, page 2, lines 1-2, describing that the mat is *typically* treated with a pre-press sealer to provide release from the hot press platen and thus optimize surface smoothness and minimize buildup on the press platens (metal plates)).

As to claims 51-52, Helmer et al teach that the solids content may be 40-70 % (See column 13, lines 17-20). Also, it is held that concentration limitations are obvious absent a showing of criticality. *Akzo v. E.I. du Pont de Nemours* 1 USPQ 2d 1704 (Fed. Cir. 1987). It is

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also held that it is not inventive to discover the optimum or workable ranges of result-effective variables by routine experimentation. In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). See also In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum values of the relevant concentration parameters (including those of claimed invention) in the cited prior art through routine experimentation in the absence of showing of criticality.

Claims 38-39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schedlitzki in view of Cummings, further in view of Helmer et al, as applied above, and further in view of van der Hoeven (US 4,789,604).

The cited prior art fails to teach that paper is glued to the surface of a compressible mat.

van der Hoeven teaches that the substrate for coating may be a wood panel with paper attached to it (See column 6, lines 25-54). (In such embodiment, the polymerizable coating is placed on the paper (col. 6, lines 30-32). Adjacent layers may be attached by glue (col. 3, line 50-col. 4, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied an adhesive in the cited prior art onto a paper glued to a wood panel, then applied a top coat followed by hot pressing with the expectation of providing the desired glossy patch-free surface since it is held that choice of sequence of adding ingredients does not involve invention, and van der Hoeven teaches that the substrate for the coating may be a wood panel with paper attached to it.

As to claim 50, van der Hoeven teaches that a top, release coating (3) may be applied to the polymer before compressing and heating (col. 10, lines 48-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied a top, release coating to the polymer before compressing and heating in the cited prior art with the expectation of preventing metal marking.

(10) Response to Argument

Applicants' arguments filed December 15, 2008 have been fully considered but they are not persuasive.

FIRST GROUND OF REJECTION UNDER APPEAL

Claims 37-39, 51-52, and 67-71 stand rejected under 35 U.S.C. § 103(a) as obvious over DE 2224732 (hereafter DE '732) in view of U.S. Patent No. 3,529,993 (hereafter Cummings), and further in view of WO 9622338 (hereafter Helmer).

(1) DE '732 (Schedlitzki) and Cummings

A. *The Cited References Teach or Suggest Neither Application of a Liquid Primer to a Compressible Mat nor Elimination of the Paper Carrier*

(i) Appellants assert that DE '732 describes a process in which a paper carrier sheet coated and impregnated with an aminoplast resin based primer is applied on a wood surface and pressed under pressure and heat. The resin flows during the molding process to form a closed synthetic resin surface, and the sheet is joined to the wood material. In contrast, the presently claimed method does not include a paper carrier for the primer, and the primer is applied directly on a surface of a compressible mat made of at least one of fibers and particles in a resin binder composition, or on a surface of a paper that is already adhered to the compressible mat. This lack of a carrier sheet requires that the primer composition exhibit excellent hold out (i.e. not sink too far into the surface and remain on top) when applied to the compressible mat, and the crosslinked matrix should rapidly form a surface suitable for receipt of subsequently applied top coats.

The Examiner respectfully disagrees with this argument.

First of all, a process where a resin flows during the molding process to form a closed synthetic resin surface is a prior art process not an inventive process of DE '732.

Second, as was explained above, paper carrier reads on claimed compressible mat because it is well known in the art that paper is made of cellulosic (wood) *fibers* in a resin binder composition and it is *compressible*. Note also that claim 38 recites that the compressible mat *further comprises a sheet of paper*.

Further, the step of hot pressing the crosslinked primer, the top coat, the paper sheet (claimed *compressible mat*) onto boards of wooden material of cited prior art reads on claimed step of compressing and heating the crosslinked primer, the top coat and the compressible mat to form coated composite substrate because claim 37 does not recite negative limitation that the *compressible mat* should not presses together with *wooden boards* or the formed polymer coated composite substrate should not comprise *wooden boards*.

Moreover, the boards of wooden material of Schedlitzki may be interpreted as claimed *compressible mat* and step of applying a paper carrier sheet *impregnated* with a primer may be interpreted as claimed step of applying a primer to the surface of the compressible mat (i.e. onto surface of the wooden board) since claim 37 does not recite negative limitation that the primer should not be carried with paper carrier sheet or that the paper carrier sheet should not be present in the primer.

(ii) Appellants assert that the cited references fail to teach or suggest *elimination of the primer carrier sheet*.

The Examiner respectfully disagrees with this argument. First of all, *elimination* of the paper carrier sheet with the primer composition is not recited by claim 37. Therefore, even assuming *arguendo* that the paper sheet of DE '732 is not claimed compressible mat, still claim 37 would be obvious over the cited references because the boards of wooden material of DE '732 may be interpreted as claimed *compressible mat* and step of applying a paper carrier sheet *impregnated* with a primer may be interpreted as claimed step of applying a primer composition to the surface of the compressible mat (i.e. onto surface of the wooden board) since claim 37 does not recite negative limitation that the primer should not be carried with paper carrier.

Further, the step of hot pressing the crosslinked primer, the top coat, the paper sheet (claimed *compressible mat*) onto boards of wooden material of cited prior art reads on claimed step of compressing and heating the crosslinked primer, the top coat and the compressible mat to

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form coated composite substrate because claim 37 does not recite negative limitation that the *compressible mat* should not presses together with *wooden boards* or the formed polymer coated composite substrate should not comprise *wooden boards*.

(iii) Appellants assert that DE '732 fails to teach or suggest application of a topcoat over the sheet. The Examiner argues that the presently claimed compressible mat and the paper sheet in DE '732 are made from the same materials. However, the aminoplast/acrylic composition in DE '732 is not applied directly onto a compressible mat as presently claimed, but instead is applied on a paper surface that is already pre-impregnated with an aminoplast resin.

The argument is unconvincing because the Applicants's statement "However, the aminoplast/acrylic composition in DE '732 is not applied directly onto a compressible mat as presently claimed, but instead is applied on a paper surface that is already pre-impregnated with an aminoplast resin" reads on limitations of claim 37: the aminoplast/acrylic composition in DE '732 is claimed top coat that is applied directly onto the aminoplast resin (claimed primer) that is present on a paper surface (claimed compressible mat) that is already pre-impregnated with the primer.

B. The Cited References Do Not Teach Application of a Topcoat over the Primer

The present claims require application of a topcoat composition over the primer composition before the construction is heated in a press to form a finished composite article. DE '732 (as well as the other cited references) fails to even suggest application of a topcoat over the primed sheet prior to heating and pressing. The Examiner has not articulated a reason that one of ordinary skill ha the art, following DE '732, would apply a topcoat directly on the primer coating as presently claimed, let alone why one skilled in the art would expect that such as a top-coating step would have a reasonable expectation of success.

The Examiner respectfully disagrees with this argument. As was discussed above, DE '732 does teach application of a topcoat composition directly over the primer composition.

C. A Skilled Artisan Would Not Replace the Composition of DE '732 with the Primer Composition in Cumming

Assuming, arguendo, that the paper carrier in DE '732 were eliminated, the cited references would not provide one of ordinary skill with an incentive to replace the aminoplast/acrylie resins in DE '732 with the compositions described in Cummings. The aminoplast resins described in DE '732, which are formed by reacting amines and aldehydes, differ significantly from the compositions in Cummings, which are reaction products of

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polyamines and polyanhydrides (e.g. a reaction product of a vegetable or a fish oil with maleic anhydride). The Examiner characterizes these compounds as "amino resins," apparently because they both use an amine reactant. However, the amines are an extremely large class of compounds, and the final reaction products in DE '732 and Cummings are completely different.

The Examiner respectfully disagrees with this argument. First of all, in contrast to Appellants statement, the Examiner never suggested to eliminate the paper carrier in DE '732 because the Examiner interpreted the paper as claimed compressible mat.

Second, one of ordinary skill would have a strong incentive to replace *heat* curing aminoplast primer in DE '732 with amino resin primer of Cummings because the amino resin of Cummings (that is suitable for priming *wood* fibers) cures fast at *room* temperature. Note that a room temperature curing primer of Cummings is supposed to be different from a heat curing primer of DE '732. It is held that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). See MPEP 2144.07.

Since DE '732 does not limit its teaching to particular impregnating resin, one of ordinary skill in the art would have a strong incentive to replace *heat* curing aminoplast primer in DE '732 with amino resin primer of Cummings.

(2) DE '732, Cummings and Helmer

The Cited References Do Not Teach or Suggest the Presently Claimed Imino Compounds

The Examiner argues that it would be obvious for a skilled artisan to substitute the traffic paint in Helmer for the traffic paint in Cummings (which was previously substituted for the aminoplast resin of DE '732, and which was never applied to a compressible mat), Such substitutions for substitutions are for different uses and fall far short of what is required to support a proper obviousness rejection. Applicants assert that since the compositions are very different, knowledge of the amine compositions in DE '732 and Cummings would not provide the skilled artisan with any incentive to select the imine compounds in Helmer's traffic paint as a primer coating in a process for making a polymer coated article. Applicants submit that under these circumstances the selection of the Helmer traffic paint composition from the multitude of possible choices of quick drying coatings would not be obvious to one of ordinary skill in the art, and the present obviousness rejection could only be attributed to the exercise of impermissible hindsight bias. The process in DE '732 does not even contemplate application of a topcoat, and the Helmer and Cummings references teach that their primer compositions are to be applied under ambient conditions without a topcoat. The fact that certain imines are reactive toward

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cellulose does not provide a rationale for utilizing the compositions in Helmer, which are taught to be applied under ambient conditions without a topcoat, in the process of DE '732, which utilizes high heat and pressure and does not utilize a topcoat. Applicants submit that it is not the compatibility between imines and cellulose that is relevant here, it is the compatibility of the imines and subsequently applied topcoat compositions, which are not even contemplated in the cited references. Again, the Examiner has identified no teachings in DE '732 that would suggest use of the traffic paint in Helmer as a primer in making wood composite materials.

The Examiner respectfully disagrees with this argument. Cummings teaches that amino resins curing fast at room temperature may be used for factory applied wood priming (See column 2, lines 14-20) *or* in traffic paints where virtually no waiting period is necessary for the paint to dry before traffic can pass (See column 2, lines 36) instead of heat curing or slow curing prior art compositions including prior art wood primers (See column 1, lines 56-66). Helmer et al teach a fast hardening aqueous (amino resin) coating composition can be utilized in applications where it is desirable to form a hard, smear-resistant, non-tracking surface very quickly after deposit of the coating under ambient conditions, *in particular*, as fast hardening aqueous traffic marking paint, which forms a hard, smear-resistant surface very soon after application under ambient conditions to a surface, such as a road way, and which allows the resumption of normal traffic with minimal interruption (See column 1, lines 11-20).

Therefore, one of ordinary skill in the art would have clear incentive to replace wood primer of DE '732 with room temperature fast curing wood/traffic resin of Cummings to achieve the desired room temperature fast curing. Second, one of ordinary skill in the art would also have clear incentive to use Helmer traffic resin instead of wood/traffic resin of Cummings to achieve the desired hard, smear-resistant coating. Third, one of ordinary skill in the art would have reasonable expectation of compatibility of top coat layer of an aqueous amino-plastics resin and a dispersion of a self-cross-linking acrylic resin of DE '732 with an aqueous (amino resin) of Helmer. DE '732 teaches that the primer should be quick-hardening and contain reactive groups which react with self-crosslinking acrylic resin made from methacrylic acid, nitriles (See Translation, page 4, paragraph 2). The resin of Helmer contains the 95-99 % of the same self-crosslinking acrylic resin as that of DE '732. Furthermore, the Examiner takes official notice that it is a common knowledge in the art that polyimines, such as polyethyleneimine of Helmer (See column 16, lines 6-8), is reactive toward cellulose (i.e. toward hydroxyl groups),

and is used as adhesive and anchoring agent for paper, and as a fixative agent for textile fibers, as evidenced by Hawley's Condensed Chemical Dictionary, Thirteenth Edition. Therefore, it would be reasonably expected that the acrylic resin of Helmer to be compatible with and would react with the acrylic resin of DE '732. Therefore, in contrast to Applicants argument, a prima facie case of obviousness over DE 2224732 in combination with Cummings and Helmer et al has been established by the Examiner.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(3) Proper Legal Standard

Appellants assert that the recent Supreme Court case *KSR International Co. v. Teleflex Inc* permits rejection of a claimed invention as being obvious where there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions to pick from to solve the problem. Here, however, the person of ordinary skill in the art is not presented with a finite number of solutions to pick from, but rather, an infinite number of potential choices. A search of the PTO website reveals that over 75,000 issued patents are directed to coatings? Of these over 75,000 patents (and the millions of coating compositions disclosed therein) the Examiner has not established that a person of ordinary skill in the art, without the benefit of having read the instant application, would have any reason to focus on or pick the traffic paint composition of the Helmer reference for the use in the process described in DE '732. This is especially true given that the Helmer reference is directed to an end use (traffic paint) that is far removed from Applicants' field of endeavor (manufacture of composite substrates). KSR cautions that "[a] fact finder should be aware... of the distortion caused by hindsight bias and must be cautious against arguments reliant upon ex post reasoning. KSR does not permit selective picking and choosing bits-and-pieces of technology out of the nearly infinite possible available references. Nor can the combination come from the applicant's invention itself. The present obviousness rejection is based on hindsight following review of the present disclosure, and is improper.

The Examiner respectfully disagrees with this argument. First of all, *it is well settled that the reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem.* One of ordinary skill in the art would

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have clear incentive to use Helmer traffic resin instead of wood/traffic resin of Cummings to achieve the desired hard, smear-resistant coating. Third, one of ordinary skill in the art would have reasonable expectation of compatibility of top coat layer of an aqueous amino-plastics resin and a dispersion of a self-cross-linking acrylic resin of DE '732 with an aqueous (amino resin) of Helmer. Therefore, in contrast to Applicants argument, there are a finite number of identified, predictable solutions to pick from to solve the problem.

For the reasons discussed above, the cited prior art follows KSR rationales:

- A. Combining prior art elements according to known methods to yield predictable results.
- B. Simple substitution of one known element for another to obtain predictable results.
- C. Use of known technique to improve similar devices (methods or products) in the same way.
- D. Applying a known technique to a known device (method or product) ready for improvement to yield predictable results.
- E. "Obvious to try" – choosing from a finite number of identified, predictable solutions.
- F. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.
- G. The (teaching-suggestion motivation test).

(4) Conclusion

In view of the above, the cited DE '732, Cummings and Helmer references, whether considered alone or in combination, fail to teach or suggest at least two important features of the presently claimed process: (1) elimination of the paper carrier sheet and application of a primer composition directly to the surface of the compressible mat; and (2) application of a top coat composition over the primer composition prior to heating and compressing. The elimination of the carrier sheet and reduction of the number of processing, heating and drying steps provides a more cost-efficient process for manufacturing composite articles. For these reasons alone, Appellants respectfully submit that the present claims are not prima facie obvious under 35 U.S.C. § 103(a) over DE '732 in view of Cummings and Helmer.

The Examiner respectfully disagrees with this argument. As explained above, the present claims are prima facie obvious under 35 U.S.C. § 103(a) over DE '732 in view of Cummings and Helmer because: (1) elimination of the paper carrier sheet is not recited in the claim; and either

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the paper carrier sheet *or* wooden board of DE '732 may be interpreted as a compressible mat;
(2) DE '732 teaches application of a top coat composition over the primer composition coated on the paper by impregnation.

SECOND GROUND OF REJECTION UNDER APPEAL

Claims 38-39 and 71 stand rejected under 35 U.S.C. § 103(a) as obvious over DE '732 in view of Cummings, further in view of Helmet, and further in view of U.S. Patent No. 4,789,604 (hereafter van der Hoeven).

As noted above in the discussion of the First Ground of Rejection Under Appeal, the cited references fail to teach or suggest the presently claimed process steps. In addition, the amine derived compounds used in DE '732 and Cummings are very different from the imine compounds described in Helmet. One of ordinary skill in the art would have no incentive to modify the process in DE '732 to replace the amino compounds with the compounds in Helmer, and such a modification would not have a reasonable expectation of success. The Examiner has not established that the deficiencies in the DE '732, Cummings and Helmet references are remedied by the van der Hoeven reference, which is relied upon only to show that a suitable substrate to be coated may be a wood panel with paper attached to it. For the reasons set forth above, the present obviousness rejection is based on hindsight following review of the present disclosure, and is improper.

The Examiner respectfully disagrees with this argument for the reasons discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/Elena Tsoy Lightfoot /

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